IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 52422-M of 2006

DATE OF DECISION : 01.09.2006

Som Nath

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. P.S. Rana, Advocate,
for the petitioner.

* * *

Petitioner Som Nath has filed this petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 36 dated 29.4.2003 under Sections 406/409 IPC, registered at Police Station Vigilance Bureau, Ferozepur.

The aforesaid FIR has been registered against the petitioner being sole proprietor of M/s Balaji Trading Company, who allegedly mis-appropriated the paddy, which was entrusted to him for custom milling by the Food Corporation of India.

I have heard counsel for the petitioner and gone through the contents of the FIR.

Counsel for the petitioner contends that the alleged agreement under which the paddy was entrusted for custom milling was not signed by the petitioner, but it was signed by his father Narinder Kumar. There is no specific allegation of entrustment of paddy to the petitioner. Counsel further contends that the allegations against the petitioner are totally false.

In this case, the petitioner is a proclaimed offender. The contention raised by counsel for the petitioner is based upon disputed

question of fact. On the basis of such contention, FIR cannot be quashed. After the investigation, the police has already submitted challan against Narinder Singh, co-accused of the petitioner. Keeping in view these facts, I do not find any ground to quash the FIR.

Dismissed.

September 01, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**